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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 UNITED STATES OF AMERICA,) No. CR-09-0028-MMC
15 Plaintiff,) ORDER SETTING HEARING AND
16 v.) [PROPOSED] BRIEFING SCHEDULE RE
17 BRANDON BERNARD) POTENTIAL MOTIONS CHALLENGING
18 and) EXPERT TESTIMONY REGARDING
19 STEPHEN GRADY,) DNA EVIDENCE
20 Defendants.)
21

22 On July 1, 2009, the parties appeared before the Court and set the above-captioned matter for
23 jury trial on October 5, 2009. The Court then set various pre-trial deadlines, including an August
24 13, 2009 discovery cut-off date. The Court directed the parties to meet and confer regarding a
25 schedule for possible motions relating to expert testimony regarding DNA evidence, and to
26 propose a schedule to the Court.

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[PROPOSED] BRIEFING SCHEDULE RE DNA EXPERT MOTIONS
No. CR-09-0028-MMC

Accordingly, the parties propose the following schedule¹ :

- Any motion to exclude expert testimony regarding DNA evidence will be filed by **August 25, 2009**.
 - Any opposition brief will be filed by **September 8, 2009**.
 - Any reply brief will be filed by **September 15, 2009**.
 - The hearing on any such motion will be held at the Court's convenience during **the week of September 21, 2009**.

Should any party seek to file a motion to exclude expert testimony regarding DNA evidence at a date later than that described above, that party will seek permission from the Court to file such motion and will explain why the motion could not have been filed according to the above schedule.

SO STIPULATED:

**JOSEPH P. RUSSONIELLO
United States Attorney**

DATED: 7-15-09

/s/
MATTHEW L. McCARTHY
Assistant United States Attorney

DATED: 7-15-09

/s/
JOHN HEMANN
Attorney for Stephen Grady

¹ The government intends to introduce DNA evidence against defendant Stephen Grady. The DNA evidence is not expected to inculpate defendant Brandon Bernard, and his counsel has therefore not been party to these scheduling discussions. Mr. Bernard's counsel has received discovery regarding the expected DNA evidence.

ORDER

The Court orders that:

- Any motion to exclude expert testimony regarding DNA evidence shall be filed by ~~August 25, 2009~~. August 18, 2009.
 - Any opposition brief shall be filed by ~~September 8, 2009~~. September 1, 2009.
 - Any reply brief shall be filed by ~~September 15, 2009~~. September 8, 2009.
 - The hearing on any such motion will be held at 3:00 on Tuesday,
September 15, 2009.

Should any party seek to file a motion to exclude expert testimony regarding DNA evidence at a date later than that described above, that party shall seek permission from the Court to file such motion and shall explain why the motion could not have been filed according to the above schedule.

SO ORDERED.

DATED: July 17, 2009

Maxine M. Cheaney
THE HONORABLE MAXINE M. CHEANEY
United States District Court Judge